

COLE SCHOTZ P.C.

Michael D. Sirota, Esq.
Warren A. Usatine, Esq.
Felice R. Yudkin, Esq.
Court Plaza North, 25 Main Street
Hackensack, New Jersey 07601
(201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com
fyudkin@coleschotz.com

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Emily E. Geier, P.C. (admitted *pro hac vice*)
Derek I. Hunter (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
joshua.sussberg@kirkland.com
emily.geier@kirkland.com
derek.hunter@kirkland.com

*Co-Counsel for Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON JULY 28, 2023 AT 10:00 A.M. (ET)**

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

I. MATTERS GOING FORWARD

1. Sale Hearing with Respect to Phase I and Phase 2 Leases

A. Related Documents

- Order (I) Approving the Auction and Bidding Procedures, (II) Approving Stalking Horse Bid Protections, (III) Scheduling Bid Deadlines and an Auction, (IV) Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief [Docket No. 92]
- Order (I) Establishing Procedures to Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief [Docket No. 422]
- Notice of Lease Auction and Potential Lease Sale Hearing [Docket No. 456]
- Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 714]
- Notice of Amendment of Dates and Deadlines Related to the Debtors' Bidding Procedures [Docket No. 771]
- Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Asset Information [Docket No. 905]
- Supplemental Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Asset Information [Docket No. 964]
- Notice of Successful and Backup Bidder with Respect to the Phase 1 Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases [Docket No. 1114]
- Notice of Assumption of Certain Unexpired Leases [Docket No. 1157]
- Notice of (I) Phase 2 Lease Auction and Potential Lease Sale Hearing and (II) Extension of Dates and Deadlines Related Thereto [Docket No. 1162]
- Notice of Extension of Debtors' Deadline to Reply to Assumption Objections [Docket No. 1353]
- Supplemental Notice of Phase 2 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Asset Information [Docket No. 1392]
- Notice of Uncontested Matters Proceeding on July 18, 2023 [Docket No. 1394]

- Notice of Successful and Backup Bidder with Respect to the Phase 2 Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases [Docket No. 1428]
- Notice of Matters Scheduled for Hearing on July 28, 2023 at 10:00 A.M. (ET) [Docket No. 1582]

B. Responses/Objections

- Objection of Mad River Development LLC to the Proposed Cure Amount Identified By Debtors in the Notice Constituting Document 714 Respecting Lease Between Bed Bath & Beyond Inc. and Mad River Development LLC [Docket No. 744]
- Limited Objection and Reservation of Rights of 1019 Central Avenue Corp. Regarding the Proposed Cure Amount Relating to an Unexpired Lease the Debtors May Assume and Assign [Docket No. 784]
- Objection of Caparra Center Associates LLC to Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 795]
- Limited Objection of Rainier Colony Place Acquisitions, LLC to Notice of Potential Assumption and Assignment of Non-Residential Property Lease and Reservation of Rights [Docket No. 917]
- Objection to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 921]
- Limited Objection of Simon Properties Group, Inc. to Notice of Potential Assumption of Executory Contracts & Leases [Docket No. 955]
- Objection of Riverhead Centre Owners, LLC to Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 990]
- Limited Objection of WM Sunset & Vine LLC to Cure Amount in Connection With Potential Assumption and Assignment of Unexpired Lease and Reservation of Rights [Docket No. 1001]
- Objection of Certain Landlords to the Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1012]
- Amended Objection of Mad River Development LLC to the Proposed Cure Amount Identified By Debtors in the Notice Constituting

Document 714 Respecting Lease Between Bed Bath & Beyond Inc. and Mad River Development LLC [Docket No. 1023]

- Objection of Kimco Riverview, LLC, Weingarten Nostat, LLC, Flagler S.C., LLC, KSI Cary 483, LLC, Mooresville Crossing, LP, KIR Soncy L.P., CFH Realty III/Sunset Valley, L.P., Conroe Marketplace, S.C., L.P., Price Baybrook Ltd., PL Dulles LLC, WRI-URS South Hill, LLC, Franklin Park S.C., LLC, and KIR Tukwila, L.P. to Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1033]
- Objection and Reservation of Rights of Whitestone Eldorado Plaza LLC to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1038]
- Amended Objection and Reservation of Rights of Caparra Center Associates LLC to Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Information [Docket No. 1119]
- Limited Objection of RAF Johnson City LLC and G&I IX Primrose Marketplace LLC to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1145]
- Limited Objection and Reservation of Rights to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1178]
- Objection of 3600 Long Beach Road, LLC, to the Proposed Sale, Assumption and Assignment of Real Property Lease for Premises Located at 3600 Long Beach Road. Oceanside, New York (Store No. 507) [Docket No. 1232]
- Limited Objection to Assignment of Lease and to Proposed Cure Costs [Response to Docket No. 1157] [Docket No. 1239]
- Limited Objection of Panama City Beach Venture II, LLC to Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Information [Docket No. 1281]
- Objection of Rockwall Crossing SC, LP. and Vista Property Co. to Proposed Adequate Assurance of Future Performance in Connection with Debtors' Notice of Successful and Backup Bidder With Respect to the Phase I Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases [Docket No. 1289]

- Supplement to “Amended Objection and Reservation of Rights of Caparra Center Associates LLC to Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Information” [Docket No. 1291]
- Limited Objection of Landlord DC USA Operating Co., LLC to Debtors’ Notice of Assumption and Assignment of Certain Unexpired Leases and Cure Costs and Reservation of Rights [Docket No. 1295]
- Limited Objection of Hart Miracle Marketplace, LLC to Proposed Assumption and Assignment of Unexpired Lease [Docket No. 1298]
- [Mad River Development LLC] Verified Objection to Assumption and Assignment of Certain Unexpired Leases [Docket No. 1304]
- Rushmore Crossing, LLC’s Objection to the Proposed Sale, Assumption and Assignment, and Cure Amount of Real Property Lease for Premises Located at 1365 Eglin Street, Rapid City, South Dakota [Store No. 105] [Docket No. 1305]
- Limited Objection of Rainier Colony Place Acquisitions, LLC to Assumption and Assignment of Non-Residential Real Property Lease and Reservation of Rights [Docket No. 1309]
- Objection of U.S. 41 & I-285 Company LLC to the Debtors’ Notice of Assumption of Certain Unexpired Leases [Docket No. 1310]
- Objection of Arc CLORLFL001, LLC, Brixmor GA Cobblestone Village St. Augustine LLC, and CLPF – Marketplace, LLC to (i) Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Asset Information; (ii) Notice of Successful and Backup Bidder with Respect to the Phase 1 Auction of Certain of the Debtors’ Lease Assets and Assumption and Assignment of Certain Unexpired Leases and (iii) Notice of Assumption of Certain Unexpired Leases [Docket No. 1315]
- Limited Objection of TPP Bryant, LLC to Potential Assumption and Assignment of Unexpired Lease and Reservation of Rights [Docket No. 1318]
- Limited Objection of Edison BRMA OO1 LLC and Edison FLFL001 LLC to Motion for Order Authorizing Debtors to Assume and Assign Leases for Store Nos. 149 and 454 [Docket No. 1324]
- Limited Objection and Joinder of Regency Centers L.P. and Daly City Serramonte Center, LLC to Debtors’ Motion for Order Authorizing Debtors to Assume and Assign Unexpired Nonresidential Real Property Leases for Store Nos. 3108 and 385 [Docket No. 1328]

- Limited Objection of Site Centers Corporation to Debtors' Notice of Assumption of Certain Unexpired Leases [Docket No. 1329]
- Objection of Kite Realty Group to Debtors' Motion for Order Authorizing the Debtors to Assume and Assign Non-Residential Real Property Leases for Store Nos. 591, 1405 and 3131 [Docket No. 1330]
- Objection of SIPOC LLC and Benderson Development Company, LLC to Motion for Order Authorizing Debtors to Assume and Assign Lease for Store No. 1268 [Docket No. 1331]
- Mad River Development LLC's Objection to Notice of Extension of Debtors' Deadline to Reply to Assumption Objections [Docket No. 1357]
- Supplemental Limited Objection of Rainier Colony Place Acquisitions, LLC to Assumption and Assignment of Non-Residential Real Property Lease and Reservation of Rights [Docket No. 1381]
- Amended and Supplemental Objection of Northway Mall Properties Sub LLC to the Debtors' Notice of Assumption of Certain Unexpired Leases [Docket No. 1433]
- Limited Objection of 1019 Central Avenue Corp. Regarding the Assumption and Assignment of Certain Unexpired Leases [Docket No. 1480]
- Declaration of David J. Riski in Support of Objection of Kite Realty Group to Debtors' Motion for Order Authorizing the Debtors to Assume and Assign Non-Residential Real Property Leases for Store Nos. 591, 1405 and 3131 [Docket No. 1498]
- Reservation of Rights by BVCV Union Plaza, LLC to Notice of (I) Phase 2 Lease Auction and Potential Lease Sale Hearing and (II) Extension of Dates and Deadlines Related Thereto [Response to Docket No. 1162] [Docket No. 1512]
- Limited Objection to the Debtors' Notice of Assumption and Assignment of Certain Unexpired Leases [Docket No. 1513]
- Limited Objection of SITE Centers Corporation to Debtors' Notice of Assumption of Certain Unexpired Leases [Docket No. 1519]
- Objection of CVSC, LLC, Congressional Plaza Associates, LLC, Federal Realty OP LP, and UE 675 Route 1 LLC to (I) Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases and (II) Notice of Successful and Backup Bidder With Respect to the Phase 2 Auction of Certain of the Debtors' Lease

Assets and Assumption and Assignment of Certain Unexpired Leases
[Docket No. 1523]

Status: This matter is going forward with permission of the Court.

2. Motion for Entry of an Order Authorizing HGREIT II Edmondson Road, LLC to File Under Seal its Unredacted Lease with Tenant William-Sonoma Stores, Inc. [Docket No. 1520]

A. Related Documents

- Application for Order Shortening Time [Docket No. 1522]
- Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1559]

Status: This matter is going forward with permission of the Court.

3. Motion for Entry of an Order Authorizing Daly City Serramonte Center, LLC to File Under Seal its Unredacted Lease with Tenant Ross Dress for Less, Inc. [Docket No. 1532]

A. Related Documents

- Application for Order Shortening Time [Docket No. 1533]
- Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1561]

Status: This matter is going forward with permission of the Court.

4. Motion for Entry of an Order Authorizing Kite Realty Group to File Under Seal its Unredacted Leases [Docket No. 1499]

A. Related Documents

- Application for Order Shortening Time [Docket No. 1500]
- Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1524]

Status: This matter is going forward with permission of the Court.

5. Michaels Stores Inc.'s Motion to file under Seal Exhibit A to the Declaration of Todd Powers in Support of Michaels Stores Inc.'s Reply to Objection of Pinnacle Hills, LLC to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Lease for Store No. 1142 [Docket No. 1385]

A. Related Documents

- Application for Order Shortening Time Regarding Motion to Seal [Docket No. 1387]
- Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1529]

Status: This matter is going forward with permission of the Court.

II. ADJOURNED MATTERS

1. Motion to Confirm Absence of Automatic Stay [Docket No. 495]

A. Related Documents

- Declaration of Eileen Higgins, in Support of Motion to Confirm Absence of Automatic Stay [Docket No. 495-4]
- Notice of Hearing [Docket No. 1185]
- Adjournment Request [Docket No. 1230]
- Reply in Support of Motion to Confirm Absence of Automatic Stay [Docket No. 1454]

B. Responses/Objections

- Objection to Motion to Confirm Absence of Stay [Docket No. 1371]

Status: This matter is being adjourned to July 31, 2023 at 10:00 a.m. (ET).

III. RESOLVED MATTERS

1. Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume and Assign Certain Unexpired Leases [Docket No. 428]

A. Related Documents

- Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10]
- Notice of Filing of Revised Order Authorizing the Debtors to Assume and Assign Certain Unexpired Leases [Docket No. 705]
- Order Authorizing the Debtors to Assume and Assign Certain Unexpired Leases [Docket No. 731]

Status: This matter has been withdrawn with respect to Store No. 6383, located at 195 Yale Street, Houston, Texas, 77007.

2. Ikea Property, Inc.'s Motion for Entry of an Order Compelling the Debtors' Payment of Certain Post-Petition Rent and Other Obligations Due Pursuant to 11 U.S.C. § 365(d)(3) [Docket No. 1193]

A. Related Documents

- Application for Order Shortening Time [Docket No. 1194]
- Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1203]

Status: The matter has been resolved.

Dated: July 27, 2023

/s/ Michael D. Sirota

COLE SCHOTZ P.C.

Michael D. Sirota, Esq.

Warren A. Usatine, Esq.

Felice R. Yudkin, Esq.

Court Plaza North, 25 Main Street

Hackensack, New Jersey 07601

Telephone: (201) 489-3000

Email: msirota@coleschotz.com

wusatine@coleschotz.com

fyudkin@coleschotz.com

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)

Emily E. Geier, P.C. (admitted *pro hac vice*)

Derek I. Hunter (admitted *pro hac vice*)

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Email: josuha.sussberg@kirkland.com

emily.geier@kirkland.com

derek.hunter@kirkland.com

*Co-Counsel for Debtors and
Debtors in Possession*